

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                ) No. 3:08-CR-90  
v.                            ) (VARLAN/GUYTON)  
                                )  
JEFFREY LYNN MATHIS, JR., )  
                                )  
Defendant.                 )

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court on the defendant's motions to suppress. [Docs. 30, 32] On March 13, 2009, the government filed its response to the defendant's post hearing brief. [Doc. 42] In that response, the government raised for the first time the issue of whether the defendant had standing to challenge the constitutionality of the search of his vehicle, arguing that the defendant had abandoned the vehicle. Given that this was the first time that the government had raised the issue, and the defendant has not had an opportunity to respond to that argument, the Court finds that the defendant should be given the opportunity to file a reply, limited to the issues of standing and abandonment of the defendant's vehicle, before the Court rules on the pending motions.

Accordingly, the defendant shall have until and including April 14, 2009, to file a reply to the government's response, limited to the issues of standing and whether the defendant abandoned his vehicle.

**IT IS SO ORDERED.**

ENTER:

s/ H. Bruce Guyton  
United States Magistrate Judge